

**Place**

- Raymond High School Media Center

**Call to Order**

- 7:00 p.m.

**Members Present**

- Don Hedman (Vice Chair)
- Steve Wallerstein (Secretary)
- Greg Bemis (Board of Selectmen Ex-officio)
- Harry McClard
- Gretchen Gott
- Carolyn Matthews

**Members Absent**

- Jonathan Wood (Chair)

**Staff Present**

- Ernest Cartier Creveling (Community Development Director)
- Robert Price (Assistant Planner)

**Pledge of Allegiance**

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*Mr. Hedman served as Chair for the duration of the meeting in the absence of Mr. Wood.*

**Public Hearing – Molligi-Town of Raymond Lot Line Adjustment**

*Application #2014-002 – A Lot Line Adjustment application has been submitted by Promised Land Survey, LLC on behalf of Mark & Wanda Molligi. The applicants are proposing a northerly shift of both side lot lines of Map 39-4, Lot 62 by 337.7 square feet on each side. Additionally, the applicants are proposing a northerly shift of both side lot lines of Map 39-4, Lot 63 by 340.9 square feet on each side. The end result will be an equal swap of land with the Town of Raymond, owner of Map 39, Lot 6, meaning that both lots owned by the Molligis and the lot owned by the Town of Raymond will retain their original land areas. The properties are identified as Raymond Tax Map 39-4, Lots 62, & 63; 11 & 13 Ferndale Road, and Map 39, Lot 6; accessed via Ferndale Road.*

*Members Seated for this Hearing: Don Hedman; Steve Wallerstein; Greg Bemis; Gretchen Gott; Harry McClard; Carolyn Matthews.*

*Applicants/Agents Present for this Hearing: Mark & Wanda Molligi, property owners.*

*Abutters/Public Present for this Hearing: None.*

Prior to reading the list of abutters, Mr. Price read the following email he received from the Town's Legal Counsel, Chris Boldt of Donahue, Tucker & Ciandella, PLLC:

*Good Morning Robert:*

*As we discussed, the provisions of RSA 672:3 defines "abutter" using the phrase "from the land under consideration". In this instance, the "land under consideration" are the small areas of the lot line adjustments rather than the entirety of the Cassier Forest tract. Accordingly, in my opinion (which I have confirmed with some of my colleagues), certified mail notice needs be given only to those property owners immediately across the street from these slivers – not to everyone abutting the Cassier Forest tract at any other points. In an abundance of caution, I suggest that additional certified mail notice be given to other lot owners within a certain distance of the Molligi parcels – say within 200 feet (which is the distance the City of Dover uses) or all of those along that particular stub street. Furthermore, if there is a public meeting of either the Planning Board or the Selectmen before the Planning Board considers the Molligi Lot Line Adjustment plan, then an announcement could be made at that meeting as "further notice" to the public. I hope this helps.*

Chris

Mr. Hedman and Ms. Matthews each disclosed that they know the Molligis, but neither felt their relationship would bias their decision-making in regards to this hearing.

Mr. Cartier Creveling explained that a survey of Map 39, Lot 6, aka the Cassier Forest was conducted in 2010 which revealed a number of conflicts where residential structures, wells, etc. associated with the abutting residential lots are actually located on the Town's property. The Molligis are involved in two such conflicts: one being that part of their house sits over the property line and the second is that their well is located on the Town's property. He noted that Legal Counsel for both the Town and the Molligis have been working together to create an agreed solution to the encroachment which is essentially the plan before the Board. The plan will adjust lot lines evenly to resolve the encroachments and ensure everyone retains the same land area. Further, it creates a well easement to benefit the Molligis.

Mr. Cartier Creveling stated Application #2014-002 can be accepted as complete for review purposes.

MOTION: Ms. Matthews made a motion, seconded by Mr. McClard to accept Application #2014-002 for review purposes. The motion carried with a unanimous vote of 6-0-0.

Mr. Hedman asked if the sliver between the two lots owned by the Molligis serves as a right-of-way to the Cassier Forest. Mr. Molligi replied yes, but in terms of its real-world functionality it is not in a condition to be utilized.

Mr. Molligi noted the tax map seems to show a road going off to the right past their house but noted that road is more of a path for access that people use to get to the Forest.

Mr. Cartier Creveling reiterated that the purpose of the plan is to resolve the conflicts unveiled by the Cassier Forest survey.

#### PUBLIC COMMENT

No comments were made regarding this application.

MOTION: Ms. Matthews made a motion, seconded by Mr. McClard to approve Application #2014-002, a series of Lot Line Adjustments between Mark & Wanda Molligi (Map 39-4, Lots 62 & 63) and the Town of Raymond (Map 39, Lot 6) subject to the following conditions:

The following conditions shall apply:

1. The conditions of approval designated as conditions precedent must be completed within six (6) months, unless otherwise specified, or this approval shall become null and void.

The following are conditions precedent:

- a. The applicant must obtain all required local, State and Federal permitting for the project, and provide copies of same to the Community Development Department;
  - b. All fees authorized to be charged to the applicant pursuant to the Raymond Site Plan Review Regulations including, but not limited to application fees, costs of special studies, and legal and engineering review, shall be paid by the applicant;
  - c. Deeds, easements, conservation easements, condominium documents, maintenance agreements, and any other legal documentation pertinent to this project shall be reviewed and approved by Town Counsel, and where applicable, the Board of Selectmen pursuant to RSA 41:14-a;
  - d. The applicant shall address, to the satisfaction of the Town's Review Engineer, any remaining engineering issues identified during peer review. Written concurrence, from the Town's Review Engineer and the Raymond Community Development Director, with the design corrections of any identified engineering issues shall be required prior to final plan approval.
  - e. A Performance Guarantee Agreement shall be executed between the Town of Raymond and the Applicant within 30 days (May 03, 2014). **Failure to execute the required agreement will result in plan approval revocation.**
2. The following items must be completed within twenty-four (24) months of the completion of conditions precedent for this project to constitute "active and substantial development or building" pursuant to RSA 674:39:
    - a. Placement of new property boundary markers.
  3. The following items must be completed for this project to constitute "substantial completion of the improvements" pursuant to RSA 674:39:
    - a. Placement of new property boundary markers.

DISCUSSION ON THE MOTION: Ms. Gott asked if either Bear Paw Regional Greenways or the Conservation Commission offered any comment regarding this Application. Mr. Cartier Creveling replied no. VOTE ON THE MOTION: The motion carried with a unanimous vote of 6-0-0.

### **Approval of Minutes**

Members Seated for Approval of Minutes: Don Hedman; Steve Wallerstein; Greg Bemis; Gretchen Gott; Harry McClard; Carolyn Matthews.

MOTION: Mr. McClard made a motion, seconded by Mr. Hedman to approve the minutes of March 20, 2014 as amended. The motion carried with a unanimous vote of 6-0-0.

**Work Session - RSA 41:14-a recommendation to Board of Selectmen regarding possible sale of Town-owned properties (Map 9, Lots 17 & 21).**

Members Seated for this Discussion: Don Hedman; Steve Wallerstein; Greg Bemis; Gretchen Gott; Harry McClard; Carolyn Matthews.

Mr. Cartier Creveling noted that Lewis French of 26 Morrison Road has been before the Board of Selectmen to request that the Town sell to him two properties it owns located adjacent to Mr. French's property. Mr. French owns Map 9, Lots 18 & 19, and the Town owns Map 9, Lots 17 & 21. Mr. Cartier Creveling noted that the Planning Board and Conservation Commission, as part of the 41:14-a process, must make a recommendation to the Board of Selectmen before they can act.

Mr. Cartier Creveling noted that the Conservation Commission recently discussed this request and opted to hold a site walk on April 05.

Mr. French stated the land owned by the Town is back land that he would like to purchase to ensure it remains preserved in its natural state. He stated he does not intend to log the properties, only utilize minimal amounts as he needs to maintain his farm.

Mr. Cartier Creveling read an email which was penned by Mr. Wood in advance of the meeting.

*Hello Ernest,*

*As I am not attending this evening's Planning Board meeting, I would like you to share with the board these questions and concerns regarding the sale of town owned property.*

*An abutter has requested to purchase adjoining town owned properties.*

- Has the town offered these properties on the open market? (If not how is the transaction value being determined?)*
- Has the town hired a certified real estate appraiser to appraise the value of these properties? (If one was not hired, any value proposed is heresay.)*
- Has the town hired a licensed forester to value the timber on these parcels? (In the mid 2000's, the Conservation Commission hired a forester, Charles Moreno, to value the timber on these properties. There was substantial value, just not easy access.)*
- Is the town considering selling all rights, except the development rights, to these parcels? (These parcels are located within a large unfragmented area of woodlands, wildlife habitat and extensive wetlands. Earlier Conservation Commissions reported to the Selectmen that these parcels should be conserved. A Conservation Easement would allow forestry & agriculture, but no development.)*

*It would be prudent for the selectmen to answer these questions, prior to invoking 41:14a process.*

*What time is the site walk this Saturday?*

*Jonathan N. Wood*

Ms. Matthews asked if Fordway Brook or a tributary of the Fordway Brook system runs through nearby Lots 36, 15 & 23 which are not Town-owned. She added some FEMA Zone A floodplain appeared to be on Lot 21 when she researched the area using online mapping utilities. She stated these parcels contain floodplain, wetland and steep slope features, which is why the Conservation Commission labeled these parcels as top priorities for conservation in the 2010 Open Space Plan. Ms. Matthews added if only Lot 17 is sold, then access to Lot 21 is lost. She also stated she felt a site walk would be a good idea before the Board makes a recommendation.

Ms. Matthews stated if the Town were to sell the properties, then there are regulations and ordinances in place to help keep them protected. However, she also noted the Town's current focus has been to maintain ownership of parcels seen as a priority for conservation rather than sell them or place conservation easements on them.

It was noted again that the Conservation Commission is holding a site walk on April 05. The Board agreed that it would be beneficial for them to join the Conservation Commission on the walk.

Mr. Hedman suggested a recommendation that a deed restriction be included in any sale that would prevent timbering the lots.

Mr. Wallerstein asked if there was a definitive answer to the question of valuation of the properties raised by Mr. Wood. It was noted that this question did not yet have an up-to-date answer.

Mr. Wallerstein stated he is puzzled as to why Mr. French wants to acquire the land, since he has no intentions to develop the land or harvest the timber. He added it appears that the only concern Mr. French has with the land is that it remain in its natural condition. He asked if Mr. French would be open to a deed restriction that would require the land be left in its natural state, and prevented him from harvesting timber or developing it in any way. Mr. French replied that does not really matter to him.

Mr. Hedman stated it is obvious that the Board has a number of questions, and he proposed that this discussion be held off until after a site walk takes place.

**MOTION:** Mr. Hedman made a motion, seconded by Ms. Matthews to table this discussion until the April 17, 2014 Planning Board meeting so the Board has the opportunity to walk the subject parcels.

**DISCUSSION:** Ms. Matthews asked if Mr. French's abutters were aware of his interest in acquiring the parcels. Ms. Gott asked if the Board of Selectmen are required to notify the abutters of Mr. French's request to purchase the properties. Mr. Cartier Creveling replied he will confirm, but believes only public hearings are required. He noted that, during the Pond Road 41:14-a process a few years ago, the Planning Board took the step of notifying abutters as a courtesy. He stated the Selectmen could take a similar step in this case. Mr. Bemis stated he felt that would be a good idea. **VOTE ON THE MOTION:** The motion carried with a vote of 5-0-1, with Mr. Bemis abstaining.

#### **Other Business – Staff Update, Board Reports & Other Discussions**

*Members Seated for this Discussion:* Don Hedman; Steve Wallerstein; Greg Bemis; Gretchen Gott; Harry McClard; Carolyn Matthews.

Mr. Hedman read another email from Mr. Wood:

*Since I won't be at the April 3rd meeting, here are items for the coming season's meetings.*

*Thoughts on the coming Planning Year:*

1. *Schedule Compliance site walks & hearings for Earth Excavation Operators.*
2. *Regional Meeting with surrounding towns of Candia, Deerfield, Nottingham, Epping, Fremont & Chester. Topics:*
  - o *What are they working on?*
  - o *How well do they work with their Regional Planning Commissions.?*
  - o *How are they linked within the region?*
3. *Invite your Charrette group to pitch their deliverables for a day long (Saturday) session as a kickoff for the proposed Downtown/Village District Zoning development.*
4. *Schedule a meeting with Conservation Com & ZBA to see if they have zoning issues they would like us to take up during the coming year.*
5. *Meeting/Training with counsel. Topics:*
  - o *Planning Board Roles & Responsibility*
  - o *Zoning for protection of Strategic Natural Resources*
  - o *Update on current litigation (Non-Public).*
6. *A session for discussing reworking of the whole Zoning Ordinance.*
7. *A session with Public Works to give us an update on the water system (in the fall).*

The Board first discussed the potential upcoming Charrette. Mr. Cartier Creveling stated his objective would be, if authorized by the Board of Selectmen, to get all Boards and Committees together with the Beta Group from Rhode Island (the group he discussed with the Planning Board at the March 20 meeting). He noted he has been given an initial proposal which needs to be tweaked before being finalized. He added the idea would be to come to Raymond on May 10 and split people into a few groups, walk around some select areas and get everyone back together for a group discussion.

Ms. Gott expressed concern that the public is not being specifically invited to attend the Charrette. Mr. Cartier Creveling stated it would be a posted, public meeting for anyone to attend, but it would not target a specific group or area of Town quite yet. Rather, he envisions this Charrette to be a visioning session of what Raymond has to offer as a whole. What makes it attractive to developers, residents and visitors, etc.

Ms. Gott stated she would like the Board to spend time to develop a specific set of goals beforehand. Mr. Cartier Creveling suggested that it might be best to come into this as a clean slate and let the group inspire everyone through the process and see what materializes.

Mr. Hedman asked the Planning Board to think about what they want the group facilitating the Charrette to do for the Planning Board – for example, show everyone how to view the Town differently, come up with some a list of goals and objectives for a redevelopment project, etc.

Mr. Cartier Creveling stated he would distribute the proposal he received in advance of the April 17 meeting.

The Board discussed Mr. Wood's idea to hold a regional meeting before the end of the school year. After discussing the idea, Mr. Hedman polled the Board to see if such a meeting should be scheduled before the end of the school year:

POLL RESULTS

Ms. Gott: No  
Mr. Wallerstein: No  
Mr. Bemis: Yes

Ms. Matthews: No  
Mr. McClard: Yes  
Mr. Hedman: Yes

Each of the “No” votes clarified that, despite the fact that such a discussion could hold great value, there was not enough time to adequately prepare for and coordinate a meeting on such short notice, especially given the Board’s busy upcoming schedule.

Mr. Wallerstein stated he would like the Board to continue working on the Master Plan Goals, Objectives & Implementation Strategies document at the next meeting. He stated he would also like to invite the School Board or Elementary School Building Committee to talk to the Planning Board about that project. Ms. Gott noted the Building Committee has been disbanded, so it would have to be a meeting with the School Board.

Ms. Matthews informed the Planning Board that the NH Municipal Association has started offering webinars, which would be good for Board members to watch at their leisure.

Mr. Wallerstein asked about training options. Mr. Cartier Creveling replied self-education is a big part of it, but also to attend training sessions as they come up. However, he noted if the Board as a whole has a specific area of interest, such as stormwater, for example, then staff could arrange to bring in an expert to speak with the Board.

Ms. Gott stated she would like the Planning Board to go on a post-approval site walk like was done in the past (visit a few recent sites that have finished construction so the Board can see the result on the ground after having freshly reviewed the paper version). She added she also sees enforcement of conditions placed on previously approved projects as troublesome in some cases.

The Board heard reports from its members serving on other Boards and Committees:

- Ms. Matthews and Mr. McClard noted they attended the Hazard Mitigation Committee meeting held April 01, 2014.

Mr. Price noted the ZBA met on April 02, but only had three members present. He noted Statute authorizes a Planning Board member to serve on the ZBA and asked if anyone might be interested in filling an Alternate space on the ZBA. Ms. Matthews volunteered.

MOTION: Ms. Gott made a motion, seconded by Mr. Wallerstein to recommend to the Board of Selectmen that Carolyn Matthews be appointed to the ZBA as an Alternate member. The motion carried with a vote of 5-0-1, with Mr. Bemis abstaining.

**Adjournment**

MOTION: Ms. Matthews made a motion, seconded by Mr. Wallerstein to adjourn. The motion carried with a unanimous vote of 6-0-0. The meeting adjourned at approximately 9:02 p.m.

Respectfully submitted,

Robert Price  
Assistant Planner



***These notes were officially made an attachment to the Planning Board's April 03, 2014 Meeting Minutes by a vote made April 17, 2014***

Raymond Planning Board Site Walk (joint with Conservation Commission)  
April 6, 2014

Place

- Town owned parcels: Raymond Tax Map 9: Lots 17 and 21

Call to order

- Approximately 1:40 PM by Jonathan Wood and Ted Janusz

Members Present from the Planning Board

- Jonathan Wood, Chairman
- Gretchen Gott
- Carolyn Matthews
- Harry McClard

Members Absent from the Planning Board

- Don Hedman
- Steve Wallerstein
- Greg Bemis

Members Present from the Conservation Commission

- Ted Janusz, Chairman
- Paul Hammond
- Bill Hoitt
- Lori O'Conner
- Guest: Walter "Scott" Greenwood

Staff Present

- None

The site walk convened at 26 Morrison Road at the farm of Mr. Lewis French who is seeking to purchase Lot 17 and Lot 21 currently owned by the Town of Raymond. Pursuant to RSA 41-14a, the Planning Board must make a recommendation to the Selectmen regarding the sale of these lots. (The Conservation Commission must also make a recommendation to the Selectmen).

Jonathan Wood opened the meeting for the planning board and advised those assembled to look for any fresh forestry activity and to observe the state of the timber as a previous Conservation Commission had received a forester's report that valuable timber, difficult to access, existed on the lots. Mr. Janusz asked where he could find the forester's report. Mr. Wood replied that it is in a "red book," and that he would check with Jan Kent to see if she knows where it is.

Gretchen Gott reminded everyone that the site walk should focus on observations without discussion.

*These notes were officially made an attachment to the Planning Board's April 03, 2014 Meeting Minutes by a vote made April 17, 2014*

Mr. Wood and Ms. Gott departed before the site walk began.

Paul Hammond from the Conservation Commission led the site walk, pointing out boundaries, terrain, stone walls and historical uses. The walk proceeded down Towle Road toward the northeast boundary of the Lewis property on Lot 18 and 19. Towle Road is a Raymond Class 6 road with a steep grade constructed of loose river and other large gravel; the road is not passable by automobile and would be a rough trip in a 4-wheel drive vehicle. Considerable spring run-off, intermittent stream activity, the grade, and wet spots made walking difficult.

Mr. Hammond then led the walk into Lot 17, proceeding southwest. The terrain was rough, included wetland and some spring activity. Trees were primarily newer growth maybe 15 to 30 years at most. Stone walls are abundant in this area. Deer activity was observed. Mr. Hammond reported having seen moose in the past in the area.

At the southwest corner of Lot 17 the group stopped briefly to talk to Mr. French who had driven his tractor down his property on Lot 19 to meet us at his far boundary. He described clear cutting in the surrounding area and his desire to prevent that activity. Stone walls border Mr. French's property here, and he also has a fence about 4 feet high with barbed wire on the top.

Mr. Hammond then led the group into Lot 21. Almost immediately the character of the forest changed with abundant deer trails, deer nesting areas and considerable older growth forest. Mr. Hammond remarked that deer in this area most likely do not migrate since they have everything they need: food, especially acorns, nesting areas, water, shelter and seclusion. Vernal pools were observed, and stream activity was abundant.

The walk proceeded to the southeast and then along the banks of an expansive beaver pond. At the beaver dam, Mr. Hammond remarked that some years ago someone accidentally set fire to the beaver dam, and the Fire Department saw fit to come and put the fire out since the volume of water in the pond posed considerable risk downstream if the dam should completely burn. Mr. Hammond remarked that the water volume (being held back by the dam) has probably doubled in the last 15 years.

The walk reached the extreme southern end of Lot 21 and then turned north on Todd Road (another Class 6 Road), passing by old cellar holes, then Aggregate Industries land and their park, now closed. One Oak tree estimated to be about 125 years old was observed, as well a Beech with boundary marker cuts, estimated to be about 80 years old. More beaver activity was also observed. Mr. Hammond remarked that these were probably young inexperienced beaver who did not know what they were doing as this dam was never going to hold back any water. ATV activity was observed but drivers seemed to be keeping mainly to the trail. Some fallen trees had been cleared off the trail, probably by ATV owners.

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The walk turned up Towle Road to retrace the northern border of Lot 17. The grade here was probably at least 25%.

At the top of the road, Ted Janusz closed the Conservation Commission site walk at 3:40 PM. Since we no longer had a Planning Board quorum, we did not close the Planning Board site walk.

–Carolyn Matthews